HON'BLE MR JUSTICE A. GOPAL REDDY

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WRIT PETITION NO.7262 OF 2006

DATE:13.04.2006

Between:

G. Ananda Rao

..... PETITIONER

AND

The Government of Andhra Pradesh, rep. by its
Principal Secretary, Municipal Administration,
Secretariat Buildings, Secretariat, Hyderabad
& another.

.....RESPONDENTS

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W.P. No.7262 OF 2006

ORDER:

Petitioner, who obtained permission for construction of a building in an area of 520 sq.feet. at D.No.17/191 (17/172-A old), Mandi Bazar, Kadapa through proceedings of the second respondent in BA.No.167/G1/2006, dated 16.3.2006, filed the present writ petition complaining that though he is making construction of the building in accordance with the sanctioned plan, the respondents are restraining him from proceeding with the construction on the ground that the property is required for the purpose of extension of municipal market and they are likely to acquire the same by following the procedure under Sections 146 and 147 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), which is extended to the Kadapa Corporation on its upgradation.

Learned standing counsel for the second respondent-Corporation, on oral instructions, submits that if the land is required for the purpose of extension of municipal market, the respondents will follow the due procedure contemplated either under Section 146 and 147 of the Act or under the provisions of the Land acquisition Act if the petitioner is not willing to give consent to part with the property on negotiations.

In view of the above, if the property of the petitioner is required for the purpose of extension of the municipal market, until and unless the respondents follows either of the procedure namely; under Section 146 and 147 of the Hyderabad Municipal Corporation Act or under the provisions of the Land Acquisition Act, they cannot interfere with the construction of the petitioner as long as the he proceeds with the same in accordance with the sanctioned plan.

With the above direction, the Writ Petition is disposed of at the admission stage. No costs.

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A. GOPAL REDDY, J

13th APRIL, 2006.

Tsr